REMARKS/ARGUMENTS

Claims 1, 3, 4, 6, 8, 9 and 11-23 are pending herein. Independent claims 1, 6, 12 and 17 have been amended as supported by Fig. 2 of the present application, for example. Applicants respectfully submit that new matter has been added.

In the Advisory Action, the Examiner upheld the §103 rejection based on Yasunori and Miyake, and concluded that

> Yasunori does not specifically disclose patterned feature of the insulating layer 8. On the other hand, Miyake discloses EL element with an insulating layer 5 ... [and] ... in Fig. 1 of Miayke, the insulating layer 5 is patterned in a grid pattern (note paragraph 33) such that the layer 5 would enhance the contrast. In other words, Yasunori does not specifically disclose how the insulating layer 8 is patterned while Miyake discloses the insulating layer 5 is patterned in grid pattern, thereby enhancing the contrast.

The insulating layer (5) in Miyake is a black matrix. Likewise, the insulating layer (8) in Yasunori is a black matrix. The black matrix layer (5) in Miyake is patterned to surround the EL elements. Likewise, paragraph [0041] of Yasunori expressly discloses that the black matrix (8) is formed around the perimeter of the lower electrode of the EL element (see Yasunori Fig. 2). As such, the black matrix (8) in Yasunori is also patterned to surround the EL elements. Indeed, one skilled in the art understands that both black matrixes would be patterned to surround each EL element, as the very purpose of a black matrix is to separate one EL element from adjacent EL elements in order to increase the contrast of the display.

It is clear from the foregoing that the black matrix (8) in Yasunori serves the identical function of that of the black matrix (5) in Miyake. Consequently, there is absolutely no reason why one skilled in the art would have employed the black matrix

of Miyake in place of the black matrix (8) already present in Yasunori. This argument was presented in the Request for Reconsideration filed December 24, 2008 (the entirety of which is incorporated herein by reference).

Notwithstanding this clear error in the rejection asserted by the PTO, and in the interest of expediting the prosecution of this application, Applicants have limited each of the independent claims to clarify that the insulating layer pattern (11) is positioned between the first electrode (4) and the EL layer (5) or between the EL layer (5) and the second electrode (6) so as to separate the entirety of the EL layer (5) from the first (4) or second (6) electrodes. This makes it clear that the insulating layer (11), which is itself patterned, is positioned entirely between the EL layer (5) and one of the electrodes (4) and (6). This specific structure is what accounts for the function of fluorescent emission as explained on pages 3 and 4 of the Request for Reconsideration filed December 24, 2008.

Even though one skilled in the art would not have combined the applied references as asserted by the PTO, the structure of the present invention as now recited in the independent claims would not result even if the references were so combined. Specifically, the black matrix layer (5) in Miyake is patterned (as it is in Yasunori, incidentally) so as to surround each EL element. While a portion of the black matrix layer (5) could be said to be interposed between a portion of the EL layer (6) and the lower electrode (3) in each EL element of Miyake (see Fig. 3), the black matrix (5) does not separate the entirety of the EL layer (6) from the lower electrode (3), as now claimed. All of the drawings in Miyake show that the EL layer (6) makes

contact with both the lower electrode (3) and the upper electrode (4), and thus is not entirely separated from the electrodes by the black matrix layer.

For at least the foregoing reasons, Applicants respectfully submit that all pending claims herein define patentable subject matter over the applied references. Accordingly, reconsideration and withdrawal of all grounds of rejection based on the applied references are respectfully requested.

Should the Examiner decide to issue anything other than a Notice of Allowance at this stage, he is respectfully requested to contact Applicants' undersigned representative to schedule a mutually convenient date to conduct a telephonic interview before mailing any such action.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446.

Respectfully submitted,

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